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16.A. Soldiers' and Sailors' Civil Relief Act

16.A.1. Purpose

The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, authorizes civil courts to protect U.S. Armed Forces members' interests by temporarily suspending the enforcement of certain of their civil liabilities if their military service impairs their ability to meet their obligations or assert their rights. The paragraphs below outline the Soldiers' and Sailors' Civil Relief Act's major provisions and more important protections. The articles in parentheses cite where in the Act the material under discussion appears. (Members desiring further information or advice should see the Legal Assistance Officer.)

16.A.2. General Provisions (Article I)

16.A.2.a. Civil Rights and Obligations

It is important to emphasize the fact that subject Act implies to civil rights and obligations only and in no way relieves persons in the Service from the eventual payment of debts or other obligations incurred by them before entering such Service. The subject Act will, when invoked in appropriate cases, defer the payment of such debts and obligations. It will defer the collection of taxes in certain cases regardless of when the same became due and payable. It is further important to observe that, with the exception mentioned as to taxes, subject Act affords no relief to persons in the Service against the collection of debts or other obligations contracted or assumed by them after entering such Service.

16.A.2.b. Impact of Service on Debt

The courts are vested with a wide latitude of discretion under the Act. In determining whether or not persons in the Service are entitled to the relief sought, the courts will in each case inquire into and ascertain whether or not the ability of such persons to pay their debts or obligations has been materially impaired by reason of their service. The court will then determine the proper relief to be given.

16.A.2.c. Proper Application

Many of the benefits of the subject Act do not flow automatically to persons in the Service, but will be extended to them only if a proper application for said relief is made to a court having jurisdiction in the matter.

16.A.2.d. Definition of “Service”

For the purpose of this section, the term "persons in the Service" includes the following persons and no others: All members of the United States Coast Guard, Coast Guard Reserve, and all officers of the Public Health Service detailed by proper authority for duty with the Coast Guard. The term "service" means Federal service on active duty with any branch of the Service heretofore mentioned as well as training and education under the supervision of the United States preliminary to induction into the Service. The term "active service" includes the period during which a person in service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

16.A.2.e. Length of Service

The term "period of service" as used herein shall include the time between the following dates: For persons in active service from 17 October 1940, the date of the approval of the Act, it begins with that date; for persons entering active service after that date, with the date of entering active duty. It shall terminate with the date of discharge from active service, but in no case later than the date when the Act ceases to be in force.

16.A.2.f. Definition of “Person”

The term "person," when used with reference to the holder of any right alleged to exist against a person in the Service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other form of business association.

16.A.2.g. Definition of “Court”

The term "court" includes any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

16.A.2.h. Applicability to Others

Whenever pursuant to the Act the enforcement of any obligation or the performance of any other Act may be stayed, postponed, or suspended as to a person in the Service, the court in its discretion may also stay, postpone, or suspend said action insofar as it applies to the accommodation makers, sureties, guarantors, and endorsers thereon.

16.A.2.i. When Service Prevents a Member's Court Appearance

Whenever by reason of the service of a principal upon a criminal bail bond the surety is prevented from enforcing the attendance of said principal, the court may discharge such surety and exonerate the bail. A waiver of the rights afforded to persons who are secondarily liable in such cases is permitted under subject Act provided it is executed in writing by a separate instrument from the obligation itself, and provided that the person so executing it has not entered the Service subsequent to the execution thereof.

16.A.3. How the Act Affects Military Members

16.A.3.a. Temporary Suspension of Some Civil Obligations

The primary purpose of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is to relieve military service members from worry over their inability to meet their civil obligations by temporarily suspending enforcement of certain civil liabilities if such military service impairs their ability to meet such obligations. The Act does not free a Service member from obligations or impose any automatic moratorium on them. It does, however, contain provisions designed to afford protection to those in service with regard to debts, leases, evictions, interest rates, income taxes, personal property taxes, real estate taxes, installment purchases, conditional sales, repossessions, foreclosures, mortgages, storage charges, life insurance, suits, judgments, attachments, executions, garnishments, penalties, statutes of limitation, homesteads, and mining claims. Protection is also provided under certain circumstances and in certain cases for dependents, sureties, endorsers, and persons jointly obligated with service members, and persons under orders to report for induction. The interpretation and application of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in particular cases involve the determination of issues of fact and the exercise of judicial discretion, and are functions of the civil courts. It should be noted that the construction which the courts of the several States have place on certain provisions of the Act is not uniform. In some States it seems to be the policy of the courts to stay an action whenever the defendant is in military service unless he or she files an appearance or a waiver of the benefits of the act, whereas in other States a stay is not ordinarily granted in the absence of a showing that the ability of the Service member or defendant to conduct his or her defense is materially affected by his or her military service. It would be difficult to list those States whose courts do or do not give a liberal construction to the provisions of the Act since in determining whether a service member is entitled to relief each case stands upon its factual circumstances and its own merits.

16.A.3.b. Service Member's Right to an Attorney

Where an action is commenced in any court, if it is brought to the attention of the court that a default in the appearance of the defendant is a result of his or her being a member of the Service the court shall not enter a judgment against such person until it shall have first appointed an attorney to represent the member. No attorney so appointed has the power to waive any right of the person for whom appointed or bind him or her by his or her acts. The court may in such cases require bond of the plaintiff to protect the absent defendant in case the judgment should be later set aside, or may make such further order to enter judgment as in its opinion may be necessary to protect the rights of the defendant. If the court does render judgment against an absent defendant in the Service and it appears that such person was prejudiced thereby, the judgment may, upon a proper application made not later than 90 days after the termination of service, be opened by the court ordering the same and the defendant permitted to defend, provided it appears that the defendant has a meritorious or legal defense.

16.A.3.c. Staying a Civil Action Due to Member's Service

At any stage of any action or proceeding in which a person in the Service (or a person separated from such Service for a period of not longer than 60 days) is either a plaintiff or a defendant the court may on its own motion, or shall on application to it by such person or someone in his or her behalf, stay said proceedings as provided in subject Act unless in the opinion of the court the ability of the plaintiff to prosecute the action or the defendant to conduct his or her defense is not materially affected by reason of his or her service. Where, upon bringing of any action which has for its purpose the enforcement of the terms of any contract, such action is stayed pursuant to the provisions of subject Act, no fine or penalty shall accrue by reason of such stay.

16.A.3.d. Staying a Judgement Against a Service Member

The subject Act provides that in any action commenced in any court against a person in the Service, the court may stay in the execution of any judgment or order entered against such persons; or may vacate or stay any attachment or garnishment of property, or money, or debts against such person in the hands of another whether it be before or after judgment. A stay of proceedings when ordered by the court under the provisions of subject Act may be for the period of service and for three months thereafter (or for any part of such period) and subject to such terms as may be just, whether it be as to payments in installments of such amounts and at such times as the court may fix or otherwise.

16.A.3.e. Service Time not Computed in Statute of Limitations

The period of service will not be counted in computing the time limited by any law for the bringing of any action or proceeding by or against a person in the Service nor shall time be counted against a person in the Service in computing the time in which real property which has been sold or forfeited for any obligation, tax, or assessment may be redeemed.

16.A.3.F. Interest Limited to Six Percent

No obligation or liability which bears interest at a rate in excess of six percent and which was incurred by a person in the Service prior to entry, shall, during his or her period of such service which occurs after 6 October 1942, bear interest at a rate greater than 6 percent unless a court upon application made thereto by the obligee, determines that the ability of the person in service to pay a rate greater than 6 percent is not materially affected by reason of his or her said service. The term "interest" shall be construed in such event to include service charges, renewal charges or fees, or any other charges (except bona fide insurance) in respect to such obligations or liabilities.

16.A.4. Rent, Installment Contracts, Mortgages, Liens, Assignments, and Leases (Article III)

16.A.4.a. Dependents' Eviction Protection

The dependents of a person in the Service cannot be evicted during the term of service from premises occupied by them chiefly for dwelling purposes where the agreed rent is not more than \$150 a month, except by leave of court granted upon application or in legal proceedings affecting the right of possession. The court shall in such cases, upon application, stay said proceedings for not more than three months as provided in the Act unless it appears that the ability of the person to pay the agreed rent is not materially affected by reason of his/her service, or it may make such other order as may be just. The Secretary is empowered to order an allotment of the pay of a person in the Service in a reasonable proportion to discharge rent on premises occupied by the dependents of such person.

16.A.4.b. Real Estate Payments While in the Service

No person who has received a deposit or installment under a contract for the purchase of real or personal property from a person who, after the date of payment of said installment, has entered the Service, shall exercise any right or option under such contract to terminate the contract or resume possession of the property for nonpayment of any installment or for any other breach of said contract during the period of such person's service, unless it be done by an action for that purpose in a competent jurisdiction. The court may order a repayment of prior installments or

deposits as a condition of terminating the contract or resuming possession of the property, and shall on an application to it by such person in the Service, or by someone on his or her behalf, order a stay of the proceedings as provided in subject Act, if in the opinion of the court the ability of the defendant to comply with the terms of the contract is materially affected by reason of his or her service; or the court may make such other disposition of the case as will, in its judgment, conserve the interests of all parties.

16.A.4.c. Protections for Mortgage-Holders

The provisions of this paragraph apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by the person in the Service at the commencement of his or her period of service and still owned by the person, which obligations originated prior to such person's period of service. In any proceeding commenced in any court during the period of service to enforce such obligation arising out of nonpayment of any sum due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in service or some person on his/her behalf, unless in the court's opinion the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his or her service: (1) Stay the proceedings as provided in subject Act; or (2) make such other disposition of the case as may be equitable to conserve the interest of all parties. No sale, foreclosure, or seizure shall be made of the property of a person in the Service for said person's nonpayment of any obligation thereon, whether it be under a power of sale, judgment, or otherwise after 6 October 1942 and during the period of service or within three months thereafter, unless such sale is an agreement between the parties as provided in subject Act or upon an order previously granted by the court. Said sale to be valid must also be approved by the court. When a proceeding to foreclose a mortgage, to resume possession of personal property, or to rescind or terminate a contract for the purchase thereof, has been stayed by the court, the court may, unless it would result in an undue hardship to the dependents of such service member, have the property appraised by three disinterested parties appointed by it, and based upon said appraisal order such sum as may be just paid to the person in the Service, or to the service member's dependents, as a condition of foreclosing the mortgage, resuming possession of the property or rescinding or terminating the contract.

16.A.4.d. Lessors' Protections

A lease involving a Service member may be terminated by a notice in writing to that effect, delivered to the lessor at any time following the date of the beginning of such person's service, provided: (1) Such lease covers premises occupied for dwelling, professional, business, agricultural, or similar purposes; (2) such lease was executed by such person or designated agent prior to this entry into the Service; (3) the

premises so leased have been occupied for such purposes by such person or by the person and dependents. The delivery of the notice terminating the lease may be accomplished by mailing the same to the lessor or the lessors agent. Where the lease called for monthly payments, the termination shall not become effective until 30 days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered and mailed. The lessor may obtain a modification of the above provisions regarding the termination of a lease where the same is justified in the opinion of the court.

16.A.4.e. Model Lease Clause

The Act does not relieve the service member from the obligations of a lease entered into after entrance into the Service. It is therefore suggested that wide publicity be given to the desirability of including a military clause in every lease of real property. The following language is recommended as accomplishing the desired protection for service personnel. The language is, of course, subject to modification dictated by local conditions.

The said LESSOR covenants and agrees that in the event the said LESSEE shall be transferred from _____, or be required to occupy Government quarters then, in either of such events, said LESSEE has and shall have the right to terminate this lease before its expiration date by delivering to the LESSOR a thirty (30)-day written notice of such transfer of assignment, and its effective date, said notice to be sent to the LESSOR by registered mail.

16.A.4.f. Foreclosure Protection

Persons in the Service and dependents of persons in service are protected against foreclosure or the enforcement of any lien for storage of household goods, furniture, and personal effects during such person's service for three months thereafter, in the same manner as is hereinabove set forth for the protection of a service member's mortgaged property.

16.A.4.g. Insurance as Collateral

Where any life insurance policy upon the life of a person in the Service has been assigned before he or she entered the Service to secure the payment of any obligation of such person, the assignee of such policy (except the insurer in connection with a policy loan) shall not during the period of such person's service nor within one year thereafter exercise any right of option by virtue of such assignment, unless it be with the consent of the insured in writing made during such period of service or when the premiums thereon are due and unpaid, or upon the death of the insured, or upon leave of court granted on an application made therefor by the assignee.

16.A.5. Insurance (Article IV)

16.A.5.a. Definitions

For the purpose of this paragraph the following definitions shall apply:

1. The term "insured" includes any person (male or female) on active duty with the Armed Forces of the United States except personnel performing an initial period of active duty for training of three to six months under the provisions of section 262 (c) of the Armed Forces Reserve Act of 1952, as amended, who is the insured and the owner and holder of a policy.
2. The term "policy" includes any contract of life insurance on a life or endowment, or term plan, and any benefit in the nature of life insurance arising out of a membership in any fraternal or beneficial association, which was made and a premium paid before 6 October 1942, or not less than 180 days before the date the insured entered into the military service. A policy is not eligible for protection if it contains any provision excluding or restricting liability for death arising from or in connection with military service or any activity which the insured may be called upon to perform in connection with military service or requires the payment of an additional premium because of military service. A policy must be in force on a premium-paying basis at the time of application for benefits under the Act. Policies of United States Government Life Insurance and National Service Life Insurance are not included within the provisions of the Act.
3. The term "premium" includes that amount specified in the policy as a stipend to be paid by the insured at regular intervals during the period therein stated, and membership dues and assessments in an association.
4. The term "insurer" includes any firm, corporation, partnership, or association which is chartered or authorized to engage in the insurance business and to issue a policy by the laws of a State of the United States or the United States.

16.A.5.b. Applicability

The provisions of the Act are not available except upon application made by the insured, by a person designated by the insured, or by the beneficiary if the insured is outside the continental United States, Alaska, and the Panama Canal Zone. Any writing signed by the insured designating a person, firm, or corporation to make application for benefits under the Act shall be sufficient authority for the making of such application for the insured by such agent. When application is made by a person designated by the insured, the instrument or other writing authorizing such action must be attached to the application executed by the agent.

16.A.5.c. Protection Maximum

The provisions of the Act are not applicable to insurance in excess of \$10,000 on the life of an insured, and a policy (or policies) for a face amount exceeding that amount will be divided into two policies at the request of the Veterans Administration. If applications are made by an insured on policies exceeding a face amount of \$10,000 (one or more policies with one or more insurers), without indicating a preference, the Veterans Administration will select the policy (or policies) which affords the best security to the Government.

16.A.5.d. Failure to Pay Premiums

A policy which has been brought within the provisions of the Act shall not lapse or otherwise terminate for the nonpayment of a premium or the nonpayment of any indebtedness or interest, during the period of military service of the insured and two years thereafter, but this guarantee shall not extend for more than two years after the date when the Act ceases to be in force. Premiums may be paid by the insured direct to the insurer when due even though a policy has been placed under the protection of the Act; also after an indebtedness has been established under authority of the Act payments may be made from time to time to reduce the indebtedness. It is also the insured's privilege to withdraw the policy from protection of the Act at any time during the period of protection by making such a request over the insured's signature either to the insurance company or the Veterans Administration.

16.A.5.e. Obtaining VA Approval

Before any dividend is paid, or any loan or settlement made on a policy while protected by the provisions of the Act, the written consent of the Veterans Administration must be obtained. The United States will guarantee payment of premiums and interest thereon at the rate specified in the policy for policy loans. If the amount guaranteed by the United States is not paid to the insurer prior to the expiration of the period of protection under the Act, the amount due will be treated by the insurer as a policy loan. If the cash surrender value of the policy is less than the amount then due, the policy shall cease and terminate and the United States shall pay the insurer the difference between the amount guaranteed and the cash surrender value. The amount paid by the United States to an insurer shall become a debt to the United States by the insured on whose account payment was made.

16.A.5.f. Paying Death Claims

In the event a policy protected by the provisions of the Act matures as a death claim, the insurer will deduct the amount of any unpaid premiums, with interest at the rate provided for policy loans, from the proceeds of the policy and report the amount so deducted to the Veterans Administration.

16.A.5.g. Act's Provisions Extended

Under the provisions of section 14 of the Selective Service Act of 1948 (Public Law 759, 80th Cong., 62 Stat. 623) the provisions of the Soldiers' and Sailors' Civil Relief Act, as amended, were extended until such time as the Act is repealed or otherwise terminated by a subsequent act of Congress.

16.A.6. Taxes (Article V)

16.A.6.a. Relieving Tax Obligations

Under certain conditions subject Act relieves against any unpaid taxes or assessments, whether general or special (other than taxes on income), whether falling due prior to or during the period of service, respecting personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in the Service or the individuals dependents at the commencement of the member's period of service and still so occupied by his or her dependents or employees. The Act does not prohibit selling such property for delinquent taxes, but provides that a tax collector must first apply to obtain a court's permission to do so. If said property is sold, as aforesaid, the Service member has a right to begin an action to redeem the same within six months after the termination of the member's service, but not later than six months after the termination of the war. Said delinquent taxes or assessments during the period of service shall bear interest at six percent per annum and no other penalty shall be added.

16.A.6.b. Deferring Paying Taxes

Collecting income tax from Service members whose service materially impairs their ability to pay such taxes, may, where application is made therefor, be deferred for a period of time extending not more than six months after the termination of such person's service, but not later than six months after termination of the war. The relief afforded by the subject Act applies whether the tax becomes due prior to or during the person's term of service, and where such deferment is granted, no interest or penalty will be charged thereon. The above provisions do not provide for deferment in the filing of income tax returns. The collector may also require a financial statement from the person requesting deferment of payment.

16.A.6.c. Maintaining Residence

For the purposes of taxation of a person, the person's personal property, or income by any State, territory, possession, or political subdivision thereof, or the District of Columbia, subject Act provides that no person in the Service shall be deemed to have lost residence or domicile in any of the foregoing solely by reason of being absent therefrom in compliance with military or naval orders, nor to have become a resident

of any other State, territory, possession, political subdivision, or the District of Columbia while and solely by reason of being so absent. The compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in, or have a situs for taxation in, any State, territory, or other jurisdiction of which the person is not a resident, or in which the person is not domiciled. This Act does not prevent taxation by any State, territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business if it otherwise has jurisdiction. When used in this section, "personal property" includes tangible and intangible property (including motor vehicles); "taxation" includes (but is not limited to) licenses, fees, or excises imposed in respect to motor vehicles or the use thereof, provided the license, fee, or excise required by the State, territory, possession, or District of Columbia, of which the person is a resident or in which the person is domiciled has been paid.

16.A.6.d. Model Statement

Below is the general form of statement of a member of the Armed Forces to the State or local taxing authority claiming exemption from personal property tax or income tax under the Soldiers' and Sailors' Civil Relief Act, as amended. The form of statement can be changed to cover the specific tax involved and may be altered to fit the facts as to place of duty station and domicile:

Exception from the tangible personal property tax (income tax)
of the State of _____ is hereby claimed under the provisions of
Section 514 of the Soldiers' and Sailors' Civil Relief Act, as
amended. The undersigned, whose permanent residence is in
the State of _____ is a member of the Armed Forces and is
residing in the State of _____ solely in compliance with
military orders requiring the members presence in this area.

(Name and grade or rating)

(Local residence)

(Service number) USCG

16.A.7. Further Relief (Article VII)

A person may, at any time during his or her period of service or within six months thereafter, apply to a court for relief in respect to any obligation or liability incurred by such person prior to his or her period of service or in respect of any tax or assessment, whether falling due prior to or during such service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected by reason of his or her service, may grant the following relief:

1. If the obligation is an installment contract to purchase real estate, or is secured by a mortgage on real estate, stay its enforcement during the period of service, and from the date of the member's release from active duty or the date of application for relief, if made after such service, for a period equal to the remainder of the life of the instrument, plus the time in service of the applicant, or any part of such combined period, subject to the payment of the unpaid principal and interest in equal installments during the combined period, with interest thereon at the rate provided in the instrument for installments paid when due.
2. A court similarly may stay other obligations, liabilities, taxes, or assessments for a period of time equal to the applicant's period of service or any part thereof. The member must pay principal and interest due in equal periodic installments during the extended period, with interest at the rate prescribed in the obligation, liabilities, tax or assessment, as if the member had paid when due.

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16.B. Voting

16.B.1. Purpose

This section establishes policies and fixes responsibility for administering absentee voting for every person, in the following categories, who is absent from their place of voting residence and is eligible to vote under the laws and procedures of their State of voting residence. These policies apply to Coast Guard members; other Armed Services members serving with the Coast Guard, while in active service; their spouses and dependents; U.S. civilian employees administered by the Coast Guard serving outside U.S. territorial limits; and their spouses and dependents residing with or accompanying them. This eligibility is not dependent upon the employee being subject to the civil service laws and the Classification Act of 1949 or being paid from appropriated funds.

16.B.2. Authority

By Executive Order 12642, June 8, 1988, the President designated the Secretary of Defense to coordinate and facilitate actions required to discharge Federal voting responsibilities. The current legislative mandate is the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 USC 1973). The Secretary of Defense has further delegated this responsibility to the Director, Administration and Management, Office of the Secretary of Defense, who has appointed the Director, Federal Voting Assistance Program to manage this program. Commandant (G-WPM-1) coordinates the Coast Guard's Voting Assistance Program.

16.B.3. Definitions

For the purposes of this section, the following definitions apply:

1. "Armed Forces." The Uniformed Services, including the Regular and Reserve (on active duty) components of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, uniformed members of the National Oceanic and Atmospheric Administration, United States Public Health Service, and the cadets of the United States Coast Guard Academy.
2. "Dependent." Any person who is in fact dependent on the member listed above. In the event of controversy, 37 USC 401 shall apply.
3. "State Absentee Ballot." any ballot provided by a State or political subdivision thereof for absentee voting.

4. "Voting Residence." The residence where an individual would vote if circumstances permitted.

16.B.4. Policy

16.B.4.a. Voting Assistance Program Objectives

Every eligible person shall be afforded an opportunity to vote by absentee ballot in any election for which their State of voting residence has been established enabling laws and procedures. The Coast Guard Voting Assistance Program shall be administered to ensure that:

1. Members of the Coast Guard and members of other Armed Forces serving with the Coast Guard are advised of their rights, privileges, and responsibilities regarding voting. Other individuals cited in article 16-B-1 shall receive as much advice as can be provided to meet their individual desires. In all general elections involving Federal officials, a Federal Post Card Application (FPCA), Form SF 76 will be hand delivered to all Armed Forces personnel of voting age.
2. The applicable Voting Assistance Guide, COMDTINST M1742.2 (series), will be used to provide current absentee voting information for individual states. The Guide will be supplemented throughout the election cycle with Voting News Releases issued by the Director, Federal Voting Assistance Program, message address SECDEF WASHINGTON DC //OSD:ADMIN/FVAP//.
3. Individuals shall be permitted to vote in such a manner to safeguard the integrity and secrecy of their ballots. They must be provided assistance in establishing and understanding voting procedures as well as the services of an officer or other official authorized to attest the required oaths.
4. The Coast Guard will conform to Department of Defense guidance and direction with respect to the Voting Assistance Program.

16.B.4.b. Command's Authority

The determination of what, under existing circumstances, is practical and compatible with military operations is a military command responsibility. The command's decision, made in good faith, is conclusive. In general, the voting opportunities referred to in these sections should be compatible with military operations whenever local conditions permit individuals to prepare, send, and receive personal mail.

16.B.5. General

16.B.5.a. Information Sources

General instructions on absentee voting by members of the Armed Forces and their dependents are contained in the Voting Assistance Guide, COMDTINST M1742.2 (series). Additional information is published for the current voting cycle by Federal Voting Assistance Program, COMDTINST 1743.3 (series), Commandant Notices, the Commandant's Bulletin, and by periodic Voting News Release messages.

16.B.5.b. Command Assistance

All available means should be used to carry out the spirit and intent of the Voting Assistance Program. Individual and group assistance and instruction sessions as well as employing the full use of normal communications/information channels, such as unit newspapers, Plans of the Day and Week, bulletins, and public address system announcements should be used. A list of materials, including posters, pamphlets, and videotapes, available to support local programs will be published prior to each general election.

16.B.5.c. Armed Forces Voters Day and Week

Armed Forces Voters Day and Week will be designated each year of a general election to provide an opportunity to concentrate efforts on encouraging eligible personnel to complete and mail absentee ballot applications. All Coast Guard units are encouraged to plan special events and programs for Armed Forces Voters Day and Week and publicize the date and planned activities widely.

16.B.6. Responsibilities

16.B.6.a. Commandant (G-WPM-1)

Commandant (G-WPM-1) will be responsible for:

1. Providing liaison with the Department of Defense, specifically the Director, Federal Voting Assistance Program.
2. Disseminating information to MLC's, districts, and select Headquarters and field units (AIG 4919) concerning absentee voting.

16.B.6.b. Districts and Maintenance and Logistics Commands

District commanders and commanders of maintenance and logistics commands are responsible for prompt dissemination of voting information received from Commandant to all units under their command.

16.B.6.c. Commanding Officers

Commanding officers are responsible for the administration of the Coast Guard Voting Program within their command. It is the duty of each commanding officer to:

1. Designate a commissioned officer as the unit voting officer to represent the commanding officer and act under their supervision in the discharge of voting program responsibilities. Assistant voting officers or voting counselors shall be designated in order to achieve a ratio of one assistant voting officer or voting counselors for every 20 members of the command. The Voting Officer, or Counselors should be readily available and equipped to give personal assistance to voters for Federal, State, and local elections. In addition, any person who appears to need assistance in reading or understanding any English language material relating to voting or voter registration should receive immediate assistance in the appropriate language. Duty as voting officer or assistant voting officer or counselor shall be a collateral duty.
2. Disseminate and publicize throughout the command the information received from Commandant, district, or MLC regarding election date and State voting procedures.
3. Ensure that Federal Post Card Applications (FPCA), SF 76, are:
 - a. Delivered to all Coast Guard members of voting age under their command to use in applying for State absentee ballots for general elections where candidates for Federal offices are elected as follows:
 - i. By 15 August before the election for military and civilians serving outside the territorial limits of the United States, and
 - ii. By 15 September before the election for military personnel serving inside the territorial limits of the United States.
 - b. Made available to those cited in article 16-B-1 for use in all elections for which State laws provide for absentee voting.

4. Ensure that Federal Write-In Absentee ballots (FWAB), Form SF 86, are provided to units located overseas and to cutters anticipating deployment immediately prior to or during the scheduled election. These ballots supplement the FPCA as they provide a means of voting for Federal officials if the members home State absentee ballot does not arrive in time for the election.
5. Provide for suitable observance of the Armed Forces Voter Day and Week established for each general election.
6. Arrange for administering and attesting the oath on the FPCA and with the State ballot, where required. While any commissioned, warrant, or petty officer may administer and attest such oath, it is recommended that a commissioned officer do so since some States do not honor the oath unless a commissioned officer attests to it. When designating a non-commissioned officer as Voting Officer, ensure the member has an official letter of designation.
7. Take all reasonable measures to facilitate transmission, delivery, and return of FPCA's, ballots, envelopes, and instructions identifiable as balloting material to and from command personnel. All such mail originating from overseas should be returned by air mail.
8. Provide an opportunity to execute ballots free from coercion and fraud and safeguard the integrity and security of the ballots.
9. Assist in post-election surveys in the manner specified by the Director, Federal Voting Assistance Program.
10. File an After-Action Report as specified by the Director, Federal Voting Assistance Program.
11. Carry out these obligations to the greatest extent practicable and compatible with military operations in accordance with Article 16.B.4.d.

16.B.6.d. Voting Officers

Voting Officers provide factual, accurate, and totally unbiased information on how the service member and dependents may vote by absentee ballot or in person. The Voting Officer:

1. Trains and instructs the command assistant voting officers/counselors in the conduct of their responsibilities.
2. Maintains an adequate supply of current FPCA's and FWAB's for issue to every member and dependent of voting age.

3. Reviews the stock of voting materials and ensures adequate quantities are maintained on hand.
4. Reviews the Voting Assistance Guide, COMDTINST M1742.2 (series) and advises personnel on how to establish State voting eligibility and when, how, and with what frequency to send for ballots. Contacts district, MLC, or Commandant (G-WPM-1) for special problems not covered in the Voting Assistance Guide.
5. Works with the commanding officer to plan and establish an effective voting program. It is important for every member of voting age to know their State registration status and the specific requirements for a ballot.
6. Acts well in advance of each election to establish the eligibility of all individuals listed in [Article 16.B.1](#) to vote.

16.B.7. Eligibility to Vote

It is the responsibility of election officials within each State to determine the eligibility of an individual to vote under the laws of that State. Such determination will not be made by any member of the Armed Forces. Military officials acting in an official capacity will refrain from making contact with such officials in order to obtain State or other balloting materials or general information concerning State or other election procedures. All such contact will be made through the Director, Federal Voting Assistance Program. However, nothing herein denies or limits the rights of any individual to make any inquiry which they desire of officials or other persons in their home State regarding the exercise of their personal voting privilege.

16.B.8. Attempts to Influence an Election

1. DoD Directive 1344.10 details permitted and prohibited political activities for active duty members in the Armed Forces.
2. It is unlawful for any commissioned, warrant, petty officer, noncommissioned officer, or seaman in the Armed Forces to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate or issue, or to require any member of the Armed Forces to march to any polling place or place of voting. Nothing in this paragraph prohibits the free discussion of political issues or candidates for public office.

16.B.9. Vacant

16.B.10. Handling Ballots Expeditiously

16.B.10.a. Speeding Transmittal

Coast Guard personnel will expedite the transmission, handling, and delivery of incoming mail and the postmarking, handling, dispatching, and transmission of outgoing mail identifiable as balloting material. All mail identifiable as balloting material will be transmitted by air to and from points outside the United States, as practicable and compatible with military operations. While in the hands of the Coast Guard, balloting mail carried by air will be given priority over other classes of mail.

16.B.10.b. Voting Documents Postage-Free

The law provides that official cards, ballots, voting instructions, and envelopes, whether transmitted individually or in bulk, shall be free of postage, including air mail postage, in the United States mails.

16.B.10.c. Official FPCA Symbols

To facilitate ready separation and expedite handling as mail, the FPCA bears a distinctive marking and air mail symbols. Federal Voting law has recommended to several States that similar marking and symbols be used on State absentee ballot envelopes.

16.B.11. Safeguarding Ballots

Every individual concerned with the administration of absentee voting shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of the cast ballot.

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16.C. COAST GUARD MEMBERS' POLITICAL ACTIVITIES




16.C.1. Definitions

1. Active Duty. Full-time duty in the active military service of the United States without regard to duration or purpose, including full-time training duty; annual training duty; attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned; and National Guard duty, as defined in 10 U.S.C. 101(42).
2. Armed Forces. The U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard, including the Reserve components and the National Guard.
3. Civil Office. A nonmilitary office whose holder exercises civil government powers or authority, including elective and appointive office in the U.S. Government, a U.S. Territory or possession, State, county, municipality, or official subdivision thereof.
4. Extended Active Duty. Active duty under a call or order for a period in excess of 180 days.
5. Nonpartisan Political Activity. Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations. Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of similar character are not considered under this section as being specifically identified with national or State political parties.
6. Partisan Political Activity. Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations.

16.C.2. Policy Guidelines


16.C.2.a. General

1. A member on active duty may:
 - a. Register to vote, vote, and express opinions on political candidates and issues, but not as a representative of the Armed Forces.

- b. Make monetary contributions to a political organization.
 - c. Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform.
2. A member on active duty shall not:
- a. Use official authority or influence to interfere with an election, affect its course or outcome, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.
 - b. Be a candidate for or hold civil office except as  [Article 16.C.2.c.\(4\)](#) authorizes.
 - c. Participate in partisan political management, campaigns, or conventions.
 - d. Make campaign contributions to another member of the Armed Forces, or an employee of the Federal Government.
3. To assist in applying the foregoing general provisions to particular factual situations,  [Article 16.C.3](#) contains representative examples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other statutory provisions or the instructions contained in the  Uniform Regulations, COMDTINST M1020.6 (series).

16.C.2.b. Candidacy for Elective Office

A member on active duty may not:

- 1. Campaign as a candidate for nomination or as a nominee for civil office, except as authorized in  [Article 16.C.2.c.\(4\)](#). When circumstances warrant, Commandant (G-WPM-1) may permit a member to file such evidence of nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited.
- 2. Become a candidate for any civil office while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition of receiving schooling or other training wholly or partially at U.S. Government expense.

16.C.2.c. Election or Appointment to Civil Office

Except as authorized by ☞ Article 16.C.2.c.(4) or otherwise provided for by law, no member on active duty may hold or exercise the functions of civil office:

1. In the U.S. Government that:
 - a. Is an elective office.
 - b. Requires an appointment by the President by and with the advice and consent of the Senate.
 - c. Is a position on the Executive Schedule under 5 U.S.C. 5312 to 5317.
2. In the government of a State; the District of Columbia; a Territory, possession, or commonwealth of the United States; or in any political subdivision thereof.
3. A member may hold or exercise the functions of a civil office in the U.S. Government that is not described in ☞ Article 16.C.2.c.1., when assigned or detailed to such office or to perform such functions.
4. **As long as they are not serving on extended active duty (EAD)**, enlisted members and Reserve officers may hold partisan or nonpartisan civil office **if** such office is held in a private capacity and does not interfere with the performance of military duties. Additionally, enlisted members on extended active duty may seek and hold nonpartisan civil office as a notary public or member of a school board, neighborhood planning commission, or similar local agency, as long as such office is held in a private capacity and does not interfere with the performance of military duties. **Officers on active duty may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation.**
5. A member elected or appointed to a prohibited civil office may request retirement and shall be retired if eligible for retirement. If such member does not request or is not eligible for retirement, the member shall be discharged or released from active duty, as determined to be appropriate by the Commandant.
6. The separation and retirement requirements of ☞ Article 16.C.2.c.(5), do not apply if the member declines to serve in the prohibited office, if the Commandant determines that the member should not be released from active duty based on the needs of the Service, or if the member is:
 - a. Obligated to fulfill an active duty Service commitment.
 - b. Serving or has been issued orders to serve afloat or in an area that is overseas, remote, a combat zone, or a hostile fire pay area.

- c. Ordered to remain on active duty while the subject of an investigation or inquiry.
 - d. Accused of an offense under the Uniform Code of Military Justice (UCMJ), or serving a sentence or punishment for such an offense.
 - e. Pending administrative separation action or proceedings.
 - f. Indebted to the United States.
 - g. On active duty during a period of declared war, a national emergency, or other period when a unit of the Reserves or National Guard has been called on active duty.
7. A member who refuses to decline to serve in a prohibited civil office after being denied separation or retirement in accordance with c.(6) above, may be subject to disciplinary or adverse administrative action under Service regulations.
8. No actions undertaken by a member in carrying out assigned military duties shall be invalidated solely by virtue of such member having assumed or exercised the functions of a civil office in violation of this Section.

16.C.2.d. Local Nonpartisan Political Activities

This Section does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A member taking part in local nonpartisan political activity, however, shall not:

- 1. Wear a uniform or use any Government property or facilities while participating.
- 2. Allow participation to interfere with or prejudice the member's performance of military duties.
- 3. Engage in conduct that in any way may imply that the Coast Guard or Department of Transportation has taken an official position on, or is otherwise involved in, the local political campaigns or issue.

16.C.2.e. Political Activities Not Expressly Permitted or Prohibited

Some activities not expressly prohibited may be contrary to the spirit and intent of this Section. In determining whether an activity violates the traditional concept that military members should not engage in partisan political activity, rules of reason and common sense shall apply. Avoid any activity that may be viewed as associating the Departments of Defense or Transportation, or any of their components, directly or indirectly with a partisan political cause or candidate.

16.C.2.f. Additional Requirements

Members of the Armed Forces on active duty engaging in permissible political activities shall:

1. Give full time and attention to the performance of military duties during prescribed duty hours.
2. Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the Armed Forces.
3. Refrain from participating in any political activity while in military uniform, or using Government facilities or resources for furthering political activities.

16.C.3. Permitted and Prohibited Political Activities

16.C.3.a. Permitted Political Activities

In accordance with the policies established in [Article 16.C.2](#), a member on active duty may:

1. Register to vote, vote, and express personal opinion on political candidates and issues, but not as a representative of the Armed Forces.
2. Promote and encourage other military members to exercise their voting rights, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.
3. Join a political club and attend its meetings when not in uniform.
4. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the Commandant (G-WPM-1).
5. Sign a petition for specific legislative action or a petition to place a candidate's name on an official ballot, if the signing does not obligate the member to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.
6. Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political candidate.

7. Make monetary contributions to a political organization, party or committee favoring a particular candidate or slate of candidates, subject to the limitations under 2 USC 441a and USC 607.
8. Display a political sticker on the member's private vehicle.

16.C.3.b. Prohibited Political Activities

In accordance with the policies established in [Article 16.C.2](#) and other pertinent statutory restrictions, a member on active duty shall not:

1. Use official authority or influence to interfere with an election, affect its course or outcome, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.
2. Be a candidate for civil office in Federal, State, or local government, except as authorized in [Article 16.C.2.c.\(4\)](#) or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.
3. Participate in partisan political management or campaigns, or make public speeches in the course thereof.
4. Make campaign contributions to another member of the Armed Forces, or to a civilian officer or employee of the United States for promoting a political objective or cause.
5. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.
6. Allow or cause to be published partisan political articles signed or written by the member that solicit votes for or against a partisan political party or candidate.
7. Serve in any official capacity or be listed as a sponsor of a partisan political club.
8. Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.
9. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.
10. Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature.

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11. Use contemptuous words against the officeholders described in 10 U.S.C. 888.
12. Perform clerical or other duties for a partisan political committee during a campaign or on election day.
13. Solicit or otherwise engage in fund-raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.
14. March or ride in a partisan political parade.
15. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.
16. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate.
17. Sell tickets for or otherwise actively promote political dinners and similar fund-raising events.
18. Attend partisan political events as an official representative of the Armed Forces.

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16.D. Using Military Titles in Commercial Activities

16.D.1. Prohibition of the Use of Words "U.S. Coast Guard"

14 U.S.C. 639 prohibits the use of the words or letters "USCG, USCGR, Coast Guard, United States Coast Guard, Coast Guard Reserve, United States Coast Guard Reserve, Coast Guard Auxiliary, United States Coast Guard Auxiliary, Lighthouse Service, or Life Saving Service," either alone or in combination with other letters or words, as the name under which the user shall do business for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that the user has any connection with the Coast Guard. While it is true that both retired and Reserve personnel have a connection with the Coast Guard, the connection condemned by the statute has reference to inducing the public to believe that the Coast Guard officially is interested in or connected with the subject matter of the advertisement.

16.D.2. Personnel on Active Duty

While on active duty, officers and enlisted personnel of the Coast Guard and Coast Guard Reserve are prohibited from using their military titles in connection with any commercial enterprise. Subject to existing regulations, authorship of material for publication shall be specifically exempted from this provision.

16.D.3. Retired Personnel

While on inactive duty, retired officers and enlisted personnel, both Regular and Reserve, are permitted to use their military titles in connection with commercial enterprises.

16.D.4. Reserve Personnel

While on inactive duty, officers and enlisted personnel of the Coast Guard Reserve are permitted to use their military titles in connection with commercial enterprises.

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16.E. Civilian Employment during Off-Duty Hours

16.E.1. General

16.E.1.a. Policy

Coast Guard personnel on active duty are in 24-hour duty status, and their military duties shall at all times take precedence on their time, talents, and attention. However, subject to the conditions listed below, personnel are not prohibited from engaging in legitimate and ethical enterprise or employment during their off-duty hours. Personnel who accept off-duty employment must realize that even though they are on leave or liberty they are subject to recall and duty at any time.

16.E.1.b. Prohibited Employment

Personnel on active duty shall not engage in any civilian employment enterprise that, **in the opinion of the commanding officer, or officer-in-charge:**

1. **Detracts from unit readiness or poses a security risk of any kind.**
2. By reason of the hours or nature of the work, interferes with or is not compatible with proper and efficient performance of their military duties.
3. May reasonably be expected to bring discredit on the Service.
4. Is unethical in view of the possible exercise of influence attending the member's military position.
5. Involves conflict of interest, or the appearance of conflict of interest. Generally, this restriction precludes employment by any individual or business organization having a direct business relationship with the Coast Guard as a vendor, contractor, or subcontractor.
6. Is contrary to the provisions of any Federal, State, or local law or ordinance.

7. Permits or appears to permit the employer to gain an advantage over his or her competitors in transacting business with the Government by virtue of the employee's Coast Guard affiliation.
8. Involves the solicitation of life insurance, mutual funds and other investment plans, commodities, and services on any U.S. Government installation with or without compensation.
9. Involves personal commercial solicitation and sale to military personnel who are junior in grade or rate. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes, but is not limited to, the personal solicitation and sale of life and automobile insurance, stocks, mutual funds, real estate, or other commodities, goods or services. As used in this subparagraph, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he or she is offering for sale. This article does not prohibit the one-time sale of a member's personally owned property. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel but it is intended to prohibit business dealings among members where grade, rank or position may be brought to bear or appear to do so.

16.E.1.c. VACANT

16.E.1.d. Labor Disputes

Off-duty employment of military personnel by an organization involved in a strike or lock-out is permissible if the member was on the payroll of such organization prior to the commencement of the strike, if the member will not be required to work at a site or location where a strike or lock-out actually is in progress, and if the employment otherwise conforms with this Article's provisions. No military member may accept initial employment by an organization at a location where the business is involved in a strike or lock-out after the onset and during the course of such a labor dispute. Members who have accepted employment in violation of the above prohibition must terminate such employment immediately.

16.E.1.e. Wearing a Uniform at Civilian Employment

No distinctive parts of the uniform may be worn by personnel while engaged in off-duty employment, nor shall a member engaged in such activity obligate or commit the Coast Guard or in any way create an impression to the public that he or she is acting in an official capacity.

16.E.1.f. Participation in Non-Federal Entities

1. **By law and regulation, Federal employees are prohibited from participating in matters on behalf of the Government which might affect the interests of**

an organization they are affiliated with in a personal capacity. Coast Guard personnel who in their personal capacity (e.g., on their own time and at their own expense) are involved in managing non-Federal organizations, e.g., serve as officer, director, trustee, etc., shall notify their commanding officer of the nature of their involvement with a non-Federal organization. Coast Guard personnel who are required to file financial disclosure reports shall disclose such involvement when completing their new entrant or annual reports. (See Financial Disclosure Reports, COMDTINST M5370.9.)

- 2. By Department of Transportation policy, all employees are prevented from holding any management position (as described above) with a non-Federal organization in their official capacity unless specifically authorized by statute. Employees are encouraged to maintain their relationships with such non-Federal organizations in a non-voting, official liaison capacity. An official liaison acts as an intermediary between the Coast Guard and the non-Federal organization, and informs the organization of Coast Guard views and policies on subjects of interest to the organization.**
- 3. By agency policy, special rules govern service by officers, in grades O-7 through O-10, who serve as an officer or member of the board of any non-Federal entity. Flag officers wishing to serve on the board of such entities should contact the Office of General Law (G-LGL) for further guidance.**

16.E.2. Procedures

16.E.2.a. Commanding Officer's Authority

While personnel shall not normally be restrained from engaging in legitimate and ethical enterprise or employment during their off-duty hours, nothing herein is intended to unduly restrict a commanding officer in the exercise of his or her prerogatives and discretionary authority. Accordingly, **all Coast Guard personnel shall notify their commanding officer in writing of their off-duty employment activities and obligations. The notification shall include a brief description of the specific responsibilities of the position and an estimate of the number of hours per week required for employment.**

16.E.2.b. Decision-Making Authority

When a commanding officer has doubt as to the applicability of the foregoing restrictions to a member's outside employment or proposed outside employment, a request for determination will be addressed to Commandant (G-WPM-1) via the chain of command. Such requests shall not be prepared by units below the Group level.

16.E.2.c. Confidentiality

Information on an individual's off duty employment shall be treated as "for official use only" if disclosure might otherwise be a source of embarrassment to the member.

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16.F. Alien Registration

16.F.1. Legal Requirements

16.F.1.a. Aliens' or Their Parents' Obligation

The Immigration and Nationality Act of 1952 as amended (8 USC 1101 and 1302 through 1306) requires that, with certain exceptions, every alien or parents or legal guardians of such alien:

1. Who is 14 years of age or older,
2. Has not previously been registered and fingerprinted, and
3. Remains in the United States for 30 days or longer must apply for registration and be fingerprinted before the expiration of such 30 days.

16.F.1.b. Alien Registration Receipt Card

Every alien registered and fingerprinted shall be issued an alien registration receipt card. Loss of this card should immediately be reported to the nearest Immigration and Naturalization Service office. Every alien 18 years of age and over shall, at all times, have such alien registration receipt card in their personal possession and available for display if so requested.

16.F.1.c. Change of Address

Every alien required to be registered and who lives within the United States shall notify the Attorney General, in writing, of each change of address and new address within ten days from the date of such change. Additional information may be required by the Attorney General and shall be provided upon request.

16.F.1.d. Definition

When used in this section, the term "United States" means the 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

16.F.2. Penalties

16.F.2.a. Failure to Register

Any alien required to apply for registration and fingerprinting who willfully fails or refuses to make such application or to be fingerprinted shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$1000 or be imprisoned not more than six months or both.

16.F.2.b. Failure to Carry Card

Every alien issued an alien receipt card is required to have the card in their personal possession at all times. Failure to have such card in their personal possession shall subject the alien to, upon conviction, a fine of not more than \$100 or imprisonment for not more than 30 days or both.

16.F.2.c. Failure to Notify

Any alien who willfully or inexcusably fails to report their address as required in [Article 16.F.1.d.](#) above shall be guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed \$200 or be imprisoned for not more than 30 days or both.

16.F.3. Responsibility

16.F.3.a. Commanding Officers

Commanding officers shall direct any alien who has not been registered or fingerprinted to do so at the earliest possible date. This article does not apply to members who enlisted from the Philippines and have not applied for American citizenship.

16.F.3.b. Alien Members

Alien members shall keep the Attorney General apprised of their address upon each permanent change of station in accordance with current Immigration and Naturalization Service directives.

16.F.3.c. Registration Number

The alien registration number shall be entered on all alien members' enlistment contracts and Certificate of Release or Discharge from Active Duty, DD-214.

16.F.4. Armed Forces Immigration Adjustment Act of 1991**16.F.4.a. Stipulates Length of Service**

This Act (PL 102-110) amended the Immigration and Nationality Act to provide for special immigration status for certain aliens, their spouses, and children. The service member must have served honorably (or be enlisted to serve) in the Armed Forces of the United States for at least 12 years. The Act provided that an immigrant who has served honorably on active duty in the U.S. Armed Forces after 15 October 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating:

1. Years and who, if separated from such service, was never separated except under honorable conditions, or
2. Six years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years, and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.

16.F.4.b. Requesting Special Immigrant Status

Members eligible to apply for this special immigration status shall submit a letter request to the Immigration and Naturalization Service through the members parent command. This letter request shall be attached to INS Form 360, obtainable at INS regional offices in the United States or through U.S. embassies and consulates overseas. The command endorsement shall include:

1. Member's name and nationality;
2. Member's date and place of birth;
3. Date member entered, extended, or reenlisted to meet the 12 year requirement;
4. Note if period of service was under honorable conditions; and
5. Commanding officers recommendations or comments.

16.F.4.c. Filing on Dependents' Behalf

If the member is also filing for their dependents, the following additional information is required:

1. Spouse and children(s) names;
2. Date and place of birth of each dependent; and
3. Commanding officer's recommendations or comments.

16.F.4.d. Defining Children

For the purpose of this special immigrant status program, children are defined in the Immigration and Nationality Act and generally include unmarried children under 21 years of age, including stepchildren acquired before their 14th birthday, and certain illegitimate children. INS makes final determinations on whether children meet the requirements of the Act. Parents and in-laws are not covered.

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16.G. American Red Cross Services

16.G.1. Responsibility

The American Red Cross provides the following core services to the Armed Forces: emergency communications, financial assistance through a partnership with the Military Aid Societies, volunteer programs, health and safety, disaster assistance, and information and referral service. All Red Cross reports about members or their dependents shall be treated as confidential.

16.G.2. Services to Units

The Red Cross may furnish the following services to commanding officers of Coast Guard units:

1. Provide verification of emergency leave requests for Service members and their families when serious illness, death or other urgent situations involve family members. Emergency leave can be granted without Red Cross verification. The Red Cross will not provide after-the-fact verification reports.
2. Provide volunteers to assist in all Coast Guard clinics. The volunteers would serve, with the exception of watch standing duties, in the same capacity as non-HS personnel temporarily assigned to help in the clinic. Female volunteers can participate as attendants for medical examinations of female patients.
3. Assist in administering the Red Cross blood donation program at Coast Guard units.

16.G.3. Services to Personnel

Upon request the Red Cross will provide the following services to personnel:

1. Information and referral.
2. Financial assistance (loan or grant) to be determined on an individual basis when emergency leave is granted or to meet other emergency financial needs. All requests for financial assistance must normally have the approval of the Coast Guard Mutual Assistance Office, Coast Guard Headquarters (G-ZMA).
3. Assistance in the preparation and filing of VA forms and furnishing information about Government insurance, allowances, allotments, and pensions.

4. In a dependency or hardship discharge request (☛ Chapter 12) or humanitarian reassignment (☛ Chapter 4), by mutual agreement the military authorities will not request, and the Red Cross will not provide, reports at the time an application is being submitted. If the application and supporting evidence do not contain sufficient factual information on which to base a decision, the command having authority for discharge or reassignment decisions may request the Red Cross to supply the specific additional information required. When a Red Cross report is desired, the request will include a brief summary of the information already provided.

16.G.4. Services to Dependents

Through the Service to Military Families department in the local Red Cross Chapters, the following services may be provided:

1. Counseling in personal and family problems.
2. Reporting and communications service.
3. Assistance in applying for Government benefits.
4. Referral service.
5. Financial assistance for other emergencies that are immediate and must be met to avoid privation.

16.G.5. Red Cross Volunteers' Requirements

Red Cross chapters and Coast Guard commands must comply with these documents:

1. Current Memorandums of Understanding (MOUs) between the American National Red Cross and the U. S. Coast Guard. Copies of such MOUs are held by Commandant (G-PS) and the ARC Programs and Services Department.
2. The provisions and dictates of ARC publication 3309, *National Framework in Which Volunteers May Give Service*.

16.H. MENTALLY INCOMPETENT COAST GUARD MEMBERS _____ **2**

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16.H. Mentally Incompetent Coast Guard Members

16.H.1. Authority

37 USC 601 to 604 authorizes the Secretary to promulgate regulations in connection with the payment of Federal moneys due to mentally incompetent Coast Guard personnel. These regulations are set forth in 33 CFR 49.01 to 49.15 and delegate to the Commandant the authority to appoint trustees for such personnel. Before the Commandant will appoint a trustee for mentally incompetent Coast Guard personnel, certain requirements must be fulfilled, including these:

1. The declaration on mental incompetence must be affirmatively made by a board of at least three qualified medical officers, one of whom is specially qualified to treat mental disorders. There is no special format required for the board's report; however, it is desired that a Medical Board Report Cover Sheet, NAVMED 6100/1, be used whenever practical. In this connection, a medical board which is part of the record of a physical examinations board, would satisfy requirements if it affirmatively states that the patient is mentally incapable of managing his or her own affairs and if it is signed by three medical officers, one of whom is specially qualified in the treatment of mental disorders.
2. No legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.
3. The mentally incompetent Coast Guard person is eligible to receive active duty pay and allowances, amounts due for accumulated or accrued leave, or retired or retainer pay. For personnel who have waived Coast Guard retired pay in favor of Veterans Administration compensation or pension, no appointment of trustee will be made.
4. The prospective trustee will be required to execute and file with the Commandant an affidavit or affidavits saying and deposing that any moneys henceforth received by virtue of appointment as trustee would be applied solely to the use and benefit of the incompetent and dependents and that no fee, commission or charge shall be demanded or in any manner accepted for any service or services rendered in connection with such appointment as a trustee for the incompetent.
5. A bond will be required in all cases when the amounts received may be expected to exceed \$1,000. Expenses in connection with the furnishing and renewal of such bonds may be paid out of sums due the incompetent. In general, a \$1,000 bond is a minimum requirement. Should a much larger lump sum or annual total payment be involved, the bond should be increased commensurately.

16.H.2. Commanding Officers' Actions

16.H.2.a. Application to Appoint Trustee

Any information alleging that Coast Guard personnel, active or retired, are mentally incapable of managing their own affairs shall be forwarded to Commandant (G-WPM-1) promptly. The next of kin or another responsible person willing to accept trusteeship for the alleged incompetent should be requested to apply to the Commandant for such appointment. The application should contain the following information:

1. Name, service number, rate, service assignment, if any, and present address of alleged incompetent person.
2. Name, address, and relationship, if any, of person seeking appointment as trustee for alleged incompetent person.
3. Statement as to whether or not a legal guardian has been or is to be appointed by the civil authorities in the near future.
4. Anticipated future financial relationship with person alleged mentally incompetent.

16.H.2.b. Restrictions on Trustee's Powers

In addition, the prospective trustee should be affirmatively advised as to the limited nature of any appointment as trustee the Commandant can make. An appointment of the Commandant covers only the receipt and use of active duty pay and allowances, amounts due for accumulated or accrued leave, and any retired pay otherwise payable to the mentally incompetent. It does not appoint the trustee as guardian of the mentally incompetent person, or as trustee of any other part of the service member's estate other than the Federal moneys indicated above. In most cases, the interests of the mentally incompetent and the next of kin can best be served by obtaining an appointment from a court of competent jurisdiction, which appointment is normally broader in nature than that which the Commandant can make. When an appreciable amount of money is expected from Government sources or a large private estate exists, the next of kin or interested responsible person should be advised to obtain expert legal advice and make every attempt to obtain a Civil Court guardianship.

16.I. Mortgage Insurance for Service Members

This program is no longer available for new subscribers. Members already in the program should contact Commandant (G-WPM-4) for assistance.



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16.J. Visiting Foreign Countries

16.J.1. General

16.J.1.a. Permission and Notification

1. This section applies to visits by Coast Guard personnel to foreign countries when on leave or other authorized absence from their commands, and while traveling under orders which require leaving the United States. Except as provided below, personnel desiring to visit foreign countries must obtain advance permission. Commanding Officers and Group Commanders may grant permission for officer and enlisted personnel on active duty to visit foreign countries on routine foreign travel and leave but must insure members meet the requirements of the  Military Personnel Security Program COMDTINST M5520.12 (series). For personnel assigned to Headquarters, **Deputy** Directors may grant approval for foreign travel to personnel assigned to their section.
2. All Coast Guard personnel traveling to foreign countries on official Coast Guard business must comply with the requirements in  Foreign Travel, Passports and Visas, COMDTINST M5000.5 (series) **and the Financial Resource Management Manual, COMDTINST M7100.3 (series).**
3. **Coast Guard retired personnel are not required to obtain permission to travel overseas.**

16.J.1.b. Intelligence Consultation

The reviewing authority may consult Commandant (G-CI) for the latest political, military, or other intelligence information that could influence his or her decision. Communication for this purpose should be by the most expeditious means.

16.J.2. When Permission Not Required

Permission is not required for unofficial visits to Puerto Rico, the Virgin Islands, Bermuda, Canada, the Bahama Islands, and Mexico. However, district commanders, particularly in those districts bordering Canada and Mexico, are authorized to establish such restrictions as may be necessary for travel to these countries. Personnel traveling in accordance with this article shall wear civilian clothing when the wearing of civilian clothing in an off-duty status is authorized.

16.J.3. Visits to Mexico**16.J.3.a. Required Documentation**

Personnel visiting Mexico shall obtain passports and visas, or tourist cards when required, as follows:


1. All official visits (to the interior as well as border towns) require passports and Mexican visas and will be made only in uniform.
2. Unofficial visits to the interior require tourist cards obtained from a Mexican Consul, but not passports, and will be made only in civilian clothes.
3. Unofficial visits to border towns require only the Coast Guard identification card.

16.J.3.b. Registration with Attaché

Travel orders or leave papers for personnel going to Mexico City, officially or unofficially for a stay of 18 hours or more, shall include instructions to register at the office of the United States Naval Attaché, Mexico City, Mexico.

16.J.4. When Permission Required**16.J.4.a. Permission Process**

Each member of the Coast Guard on active duty in the United States, who visits other foreign countries, shall comply with the following:

1. Permission will be obtained as prescribed in  [Article 16.J.1](#) prior to departure from the United States. The application will include the destination, desired date of departure, period of visit, all addresses, if known, and expected date of return to the United States.
2. Each member must obtain his or her own passports and visas, if required, and comply with all other Department of State travel regulations and, when applicable, notify the activity arranging or furnishing transportation when such requirements have been satisfied. This applies to all personnel, including those proceeding abroad under official orders. The Joint Federal Travel Regulations provides information concerning reimbursement for regular fee passports for official travel of members and command sponsored dependent travel.

3. Members will not wear their uniform outside the United States on unofficial visits except while actually traveling by military transportation or at U.S. military installations in connection with such travel.

16.J.4.b. Fourteenth District and European Approval Authority

The Commander, Fourteenth Coast Guard District, and Commander, Coast Guard Activities, Europe, are authorized to grant permission to personnel attached to their commands to visit foreign countries in accordance with the regulations of the cognizant theater commander.

16.J.5. Sufficient Funds

A member traveling to foreign countries or places outside the United States must make his or her own transportation arrangements. "Space Available" accommodations for leave via the Military Airlift Command (MAC) or other Government aircraft are very difficult to obtain. It is imperative that personnel traveling "space available" via MAC have sufficient funds to defray commercial travel expenses and costs of hotel accommodations when delayed or when passage by MAC or Government aircraft is unobtainable. Each member of the Coast Guard, or Coast Guard Reserve on active duty, shall also be informed of the current Treasury Department regulations regarding exportation and importation of currency.

16.J.6. Conduct of Personnel

Personnel who visit other countries shall maintain the highest standard of conduct to reflect credit upon the U.S. Coast Guard and the United States.

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16.K. OVERSEAS MARRIAGES

16.K.1. Purpose

This section establishes policies and identifies other Federal requirements for members desiring to marry foreign nationals.

16.K.2. General

Coast Guard personnel have the same right to enter into marriage as any other citizen of the United States. However, before entering into a marriage with a foreign national, written approval must be obtained from the senior Coast Guard command having authority in the foreign national's home area. Members attached to an overseas command shall also obtain approval from their commanding officer. This requirement ensures that both parties to the marriage are fully informed of the requirements for lawful entry of the alien spouse, and any dependents, into the United States. All such individuals must be in strict compliance with the applicable laws and regulations of the Immigration and Naturalization Service (INS) and the Department of State (DOS) governing such marriages.

16.K.3. Entry into United States

16.k.3.a. Admission Requirements

Admitting alien spouses and children bears serious consideration since such marriages are normally planned with the expectation the dependents eventually will reside in the United States and possibly seek citizenship. Individuals must be made fully aware of the admission requirements into the United States. A number of disqualifying conditions are based on the mental and physical health of the alien spouse; certain character, moral, and political beliefs; affiliations; criminal involvement; and any prior affiliation with the United States. Obtain specific information from the local INS office or United States Embassy or Consulate ([👉 Article 16.K.7](#) for INS offices overseas).

16.K.3.b. Proof of Support

In addition to the requirements the alien must meet, the military member must present satisfactory evidence of the ability to prevent the dependent spouse and any related children from becoming public charges.

16.K.4. Policy

16.K.4.a. Approval Authority

District commanders **and** Maintenance and Logistic Commands are authorized to approve requests for overseas marriages in their areas of concern. This authority may be delegated as deemed necessary.

16.K.4.b. Commanding Officers' Authority

Commanding officers are authorized to approve overseas marriage requests from members assigned to their command where the command is in the country of the prospective spouse.

16.K.4.c. Governing Regulations

Any joint or coordinated marriage regulations promulgated by the senior Department of Defense (DoD) command in the applicable overseas area shall govern Coast Guard members' marriages. The responsible Coast Guard district commander; Maintenance and Logistic command; Commanding Officer, Far East Section; or specific commanding officer may promulgate further implementing regulations, based on the DoD requirements.

16.K.4.d. Local Implementing Regulations

Coast Guard personnel should be granted permission to marry outside the United States when the member has complied with local regulations, provided the alien spouse demonstrates that entry to the United States would not be barred due to an inability to meet statutory physical, mental, or character standards. Local implementing regulations should be reasonable. They are designed to protect both aliens and United States citizens from the possible disastrous effects of marriage entered into without appreciation of its implications and obligations. Regulations issued will stress that the screening of applicants for permission to marry is substantially similar to the processing of requests for entry of alien spouses into the United States. The lack of command approval may result in unfavorable action on the part of the local United States Consul and the applicable Commissioner of INS. Such regulations may include:

1. Marriage and legal counseling.
2. Financial support (ability or preparation).
3. Parent's or legal guardian's permission for applicant to marry (if under 21 years old).

4. Legal freedom to marry.
5. Eligibility of alien spouse, and any children, to receive a nonimmigrant visa for admission into the United States under applicable INS regulations.

16.K.4.e. Punitive Action

Punitive action for marrying without command authorization is within the prerogative of unit commanders (U.S. vs. Wheeler, 12 USCMA 387, 30 CMR 387).

16.K.4.f. Performing Officer

Applicants are encouraged to have the marriage ceremony performed by a military chaplain, if available. Marriages overseas may sometimes involve two ceremonies, a civil ceremony as required by host country laws and a religious ceremony. The laws of the United States only recognize those marriages which are legally entered into under the laws of the country in which the ceremony is performed. There may also be a residency period which must be met to be in accordance with the regulations of the host country. The INS does not hold proxy, telephone, or similar marriages to be valid for immigration purposes unless the marriage shall have been consummated through cohabitation.

16.K.4.g. Equality of Benefits

Once the parties are married, no distinction will be made between alien and citizen spouses. Quarters allowances, commissary privileges, medical care (where available for dependents), and other benefits to which members and dependents of the Armed Forces are entitled apply to the spouse. However, no Coast Guard members will be authorized dependent quarters on a date earlier than otherwise entitled had they entered the overseas command initially on the date of the marriage.

16.K.5. Immigration and Naturalization Service Requirements

16.K.5.a. Immigrant Visa

Section 101(a)(15)(K) of the Immigration and Nationality Act, as amended, provides nonimmigrant visa classification (K-1) for aliens proceeding to the United States to marry American citizens. Accompanying minor children of such fiancé(e) may also be granted nonimmigrant classification (K-2). The marriage must be concluded within 90 days of their admission into the United States. After the marriage, the alien spouse and minor children must apply to the INS for adjustment of status to that of permanent resident(s).

16.K.5.b. Petition for Visa

To establish K-1 classification, an American citizen fiancé(e) must file a petition (Form I-129F) with the INS office having jurisdiction over the place of the petitioner's residence in the United States. Such a petition may not be adjudicated abroad. The petitioner and beneficiary of a fiancé(e) petition must have met at least once within the two years prior to filing the petition. This requirement will be waived if unique circumstances exist. If approved, the petition will be forwarded by the approving office to the American consular office where the alien fiancé(e) will apply for a visa. Any minor children derive K-2 status from the beneficiary as the children are listed on the Form I-129F petition. This petition is valid for four months from the date of INS approval.

16.K.5.c. U.S. Consular Action

The local American consular office notifies the beneficiary(s) of the approved petition and provides the necessary forms and instructions to apply for a "K" category visa. When the case has been processed, the beneficiary(s) will be interviewed by a consular officer to determine the eligibility for a "K" category nonimmigrant visa. If found eligible, the visa will be issued and will be valid for one entry during a 6-month period.

16.K.6. Processing Requests for Authorization to Marry
16.K.6.a. Submitting the Request

Requests for authorization to marry will be forwarded via the chain of command to the command having authority to grant the request:

1. Members attached to commands in countries where the fiancé(e) resides shall submit the request to their commanding officer.
2. Members attached outside of the country of the fiancé(e) shall submit their request to the command having cognizance in the area of the fiancé(e). Questionable cases should be referred to Commandant (G-WPM).

16.K.6.b. Accompanying Documents

The request must be accompanied by **a written and notarized statement by the fiancé(e). If the fiancé(e) is under the legal age for marriage-without-consent as prescribed by the laws of the respective domicile, a written and notarized consent of the parent(s) or legal guardian(s) of the fiancé(e) must be provided as well.** The notarized submission must include:

1. The full name and residence of the member.

2. The full name and residence of the fiancé(e).
3. The full name, residence, and relationship of the person(s) granting permission.
4. The date permission is granted.

16.K.6.c. Approval Distinct From Visa Petition

Approval of the request to marry by the military command does not necessarily guarantee the alien fiancé(e) or spouse a nonimmigrant visa. The member and fiancé(e) shall sign a statement on the request acknowledging this fact. The member should initiate contact with INS and the Department of State to ensure smooth processing to avoid any visa or entry problems. All members whose requests have been approved will receive all practical assistance in arranging their marriages and securing visa and other entrance documentation.

16.K.7. Overseas Immigration and Naturalization Service Offices

The chart on pages 6 through 8 lists several foreign U.S. Immigration and Naturalization Services offices.

COUNTRY	ADDRESS
Austria	USINS c/o American Consulate General Vienna, Austria APO NY 09108
Germany	USINS c/o American Consulate General Frankfurt, Box 12 APO NY 09213
Greece	USINS c/o American Embassy Athens, Greece APO NY 09253
Guam	USINS 801 Pacific News Building 238 O'Hara Street Agana, Guam 96910
Hong Kong, PRC	USINS c/o American Consulate General Hong Kong, Box 30 FPO San Francisco, CA 96659

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India	c/o American Embassy New Delhi, India U.S. Department of State Washington, DC 20520-9000
Italy	c/o American Embassy Rome, Italy APO NY 09794-0007
Kenya	USINS c/o American Embassy Nairobi, Box 12 APO NY 90675
Korea	USINS c/o American Embassy Seoul, Korea APO San Francisco, CA 96301
Mexico	<ol style="list-style-type: none"> 1. USINS c/o American Consulate General Ciudad Juarez P.O. Box 9896 El Paso, TX 79989-9896 2. USINS c/o Officer in Charge Guadalajara Box 3088 Laredo, TX 78044 3. USINS c/o American Embassy Mexico City, Room 118 P.O. Box 3087 Laredo, TX 78044 4. USINS c/o American Consulate General Monterrey P.O. Box 3098 Laredo, TX 78041 5. USINS c/o American Consulate General Tijuana P.O. Box 11358 San Ysidro, CA 92073-1358
Panama	USINS c/o American Embassy Panama City APO Miami, FL 34002

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Philippine Islands	USINS c/o American Embassy 1201 Roxas Boulevard Manila APO San Francisco, CA 96528
Puerto Rico	USINS GPO Box 5068 San Juan, PR 00936
Singapore	USINS c/o American Embassy Singapore APO San Francisco, CA 96699-0001
Thailand	USINS c/o American Embassy Bangkok, Box 12 APO San Francisco, CA 96346-0001

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16.L. Foreign Employment

16.L.1. General

A section of the Foreign Relations Authorization Act (P.L. 95-105, enacted 17 August 1977) provides that subject to the approval of the Secretary concerned (Secretary of Transportation for the Coast Guard) and the Secretary of State, retired members of the Uniformed Services and Reserve members of the Armed Forces are granted Congressional consent to accept civil employment from a foreign government or from companies owned by a foreign government. The law repealed 10 U.S.C. 1032, which required the approval of the Secretary concerned for a Reserve member to accept civil employment from a foreign government. The requirements for approval for a Retired or Reserve member to accept foreign employment are now included as a footnote to 37 U.S.C. 908.

16.L.2. Submission of Requests

16.L.2.a. Required Information

Requests by Retired or Reserve members to accept civil employment from a foreign government, or from companies owned by a foreign government, shall include:

- 1. Your social security number (SSN) and rank at, and date of, retirement.**
2. Country.
3. Name of company and relationship of the company to the foreign government.
4. Statement as to whether foreign citizenship is a condition of employment.
- 5. Are you required to execute an oath of allegiance to a foreign government?**
6. Job title and brief description of duties.
7. Duration of employment.
- 8. Is there any reason this employment might bring discredit upon the United States?**

16.L.2.b. Approving Entities

Requests from retirees (Regular and Reserve) shall be submitted to Commandant (G-WPM); those from Reserve personnel shall be sent to Commandant (G-WTR). To prevent possible loss of retired pay or other benefits, requests should be approved before a prospective employee assumes responsibility of the office or position being considered.

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16.M. Jury Duty

16.M.1. Policy

It is Coast Guard policy to encourage members of the Coast Guard to fulfill their civic responsibilities consistent with their military duties. For members stationed in the United States (all 50 states, U.S. territories, the District of Columbia, and the Commonwealth of Puerto Rico), serving on a State or local jury is one such civic obligation. Coast Guard members, however, may be exempted from jury duty when it would interfere unreasonably with performance of their military duties or adversely affect the readiness of a unit, command, or activity.

16.M.2. Exemptions

16.M.2.a. Grounds to Exempt

If such jury service would interfere with the member's military duties or adversely affect readiness, the member shall be exempted from jury duty. When a Coast Guard member on active duty is summoned to perform State or local jury duty, the commanding officer concerned shall decide if such jury duty would:

1. Interfere unreasonably with the performance of the member's military duties.
2. Adversely affect the readiness of the unit, command, or activity to which the member is assigned.

16.M.2.b. Exempt Personnel

All flag officers, commanding officers, officers in charge, all personnel assigned to units whose primary function is to operate vessels or aircraft to perform an operational mission of the Coast Guard, and personnel in a training status or stationed outside the United States are exempt from serving on a State or local jury. Such jury service would necessarily interfere with the performance of military duties by these members and adversely affect the readiness of the unit, command, or activity to which they are assigned.

16.M.3. Procedures

16.M.3.a. Leave and Reimbursement

Coast Guard members who serve on State or local juries shall not be charged leave or lose any pay or entitlements during the period of service. All fees accrued to the member for jury service are payable to the United States Treasury. Members may keep any reimbursement from the State or local jury authority for expenses incurred in the performance of jury duty, such as for transportation costs or parking fees.

16.M.3.B. Notice for Exempt Personnel

Written notice of each exemption determination shall be provided to the responsible State or local official who summoned an exempt member for jury duty. The written notice shall cite 10 U.S.C. 982 as authority for the exemption.

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16.N. Organ Donation

16.N.1. General

Active duty Coast Guard personnel may desire to donate an organ, e.g., kidney, bone marrow, skin, etc. This section specifies the general criteria for military personnel desiring to participate in an organ donation procedure; such members should follow these guidelines.

16.N.2. Policy

16.N.2.a. Request to Donate

A member who wishes to donate an organ must submit a letter with all pertinent information to Commander (CGPC-opm) for officers and (CGPC-epm) for enlisted personnel.

16.N.2.b. Medical Counseling

A medical officer, preferably an appropriate specialist, must counsel and fully brief Service members on the hazards involved in organ transplants. The medical officer should make it perfectly clear to the member who still elects to donate an organ that losing that organ will not become the basis for special consideration in assigning duty.

16.N.2.c. Financial Responsibility

The U. S. Government will assume financial responsibility for the organ donation only to the extent that the recipient is authorized TRICARE benefits, or as authorized for an active duty recipient. The member must execute a written statement acknowledging complete understanding that no disability benefits are provided for under 10 USC 61 for the loss of a donated organ and related diseases or conditions if subsequently found unfit for further military service.

16.N.3. Procedures

16.N.3.a. Required Information

Messages or letters requesting organ donation authority must contain the following:

1. Member's request indicating relationship to the recipient;
2. Statement whether the member has been fully counseled on the hazards of donating the organ;
3. Name, address, and telephone number of medical counselor;

4. Location and estimated duration of member's hospitalization;
5. Statement that the following have been signed:
 - a. Statement that the member fully understands that special duty assignments will not be made because of the loss of organ under these circumstances;
 - b. Written acknowledgment that member fully understands that there will be no entitlement to disability benefits for the donated organ and related diseases if subsequently found physically unfit for military service, and;
 - c. Statement that the member fully understands that the U.S. Government will assume financial responsibility for the organ donation only to the extent that the recipient is authorized TRICARE benefits, or as authorized for an active duty recipient.

16.N.3.b. Submitting Documents

All signed statements will be made in duplicate with signed copies mailed to Commander (CGPC-opm) or (CGPC-epm) as appropriate, and the original filed in the member's Personnel Data Record.

16.N.3.c. Obtaining a Medical History

A complete medical history and narrative summary of hospitalization will be obtained as soon as possible and placed in the member's health record. This is to document that the member is missing an organ through donation.

16.N.3.d. Authorized Leave

Requests for time away for confirmatory testing, counseling and marrow donation should be approved the same as those for other minor surgical procedures except that permissive orders and sick leave are authorized. Up to 30 days sick leave may be authorized to enable the donor to recover from the procedure.

16.N.3.e. Follow-up Examination

A physical examination will be performed to determine a member's fitness for duty after returning from sick leave.